

House Study Bill 729

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5195HB 81
5 jm/sh/8

PAG LIN

1 1 DIVISION I == APPROPRIATIONS
1 2 Section 1. JUDICIAL BRANCH.
1 3 1. There is appropriated from the general fund of the
1 4 state to the judicial branch for the fiscal year beginning
1 5 July 1, 2006, and ending June 30, 2007, the following amount,
1 6 or so much thereof as is necessary, to be used for the
1 7 purposes designated:
1 8 For salaries of supreme court justices, appellate court
1 9 judges, district court judges, district associate judges,
1 10 judicial magistrates and staff, state court administrator,
1 11 clerk of the supreme court, district court administrators,
1 12 clerks of the district court, juvenile court officers, board
1 13 of law examiners and board of examiners of shorthand reporters
1 14 and judicial qualifications commission, receipt and
1 15 disbursement of child support payments, reimbursement of the
1 16 auditor of state for expenses incurred in completing audits of
1 17 the offices of the clerks of the district court during the
1 18 fiscal year beginning July 1, 2006, and maintenance,
1 19 equipment, and miscellaneous purposes:
1 20 \$123,237,410
1 21 2. The judicial branch, except for purposes of internal
1 22 processing, shall use the current state budget system, the
1 23 state payroll system, and the Iowa finance and accounting
1 24 system in administration of programs and payments for
1 25 services, and shall not duplicate the state payroll,
1 26 accounting, and budgeting systems.
1 27 3. The judicial branch shall submit monthly financial
1 28 statements to the legislative services agency and the
1 29 department of management containing all appropriated accounts
1 30 in the same manner as provided in the monthly financial status
1 31 reports and personal services usage reports of the department
1 32 of administrative services. The monthly financial statements
1 33 shall include a comparison of the dollars and percentage spent
1 34 of budgeted versus actual revenues and expenditures on a
1 35 cumulative basis for full-time equivalent positions and
2 1 dollars.
2 2 4. The judicial branch shall focus efforts upon the
2 3 collection of delinquent fines, penalties, court costs, fees,
2 4 surcharges, or similar amounts.
2 5 5. It is the intent of the general assembly that the
2 6 offices of the clerks of the district court operate in all
2 7 ninety-nine counties and be accessible to the public as much
2 8 as is reasonably possible in order to address the relative
2 9 needs of the citizens of each county.
2 10 6. The judicial branch shall study the best practices and
2 11 efficiencies of each judicial district. In identifying the
2 12 most efficient judicial districts and the districts using best
2 13 practices, the judicial branch shall consider the average cost
2 14 to the judicial branch for processing each classification of
2 15 criminal offense or civil action and the overall number of
2 16 cases filed. The judicial branch shall file a report
2 17 regarding the study made and actions taken pursuant to this

2 18 subsection with the cochairpersons and ranking members of the
2 19 joint appropriations subcommittee on the justice system and to
2 20 the legislative services agency by December 15, 2006.

2 21 7. In addition to the requirements for transfers under
2 22 section 8.39, the judicial branch shall not change the
2 23 appropriations from the amounts appropriated to the judicial
2 24 branch in this Act, unless notice of the revisions is given
2 25 prior to their effective date to the legislative services
2 26 agency. The notice shall include information on the branch's
2 27 rationale for making the changes and details concerning the
2 28 workload and performance measures upon which the changes are
2 29 based.

2 30 8. The judicial branch shall submit a semiannual update to
2 31 the legislative services agency specifying the amounts of
2 32 fines, surcharges, and court costs collected using the Iowa
2 33 court information system since the last report. The judicial
2 34 branch shall continue to facilitate the sharing of vital
2 35 sentencing and other information with other state departments
3 1 and governmental agencies involved in the criminal justice
3 2 system through the Iowa court information system.

3 3 9. The judicial branch shall provide a report to the
3 4 general assembly by January 1, 2007, concerning the amounts
3 5 received and expended from the enhanced court collections fund
3 6 created in section 602.1304 and the court technology and
3 7 modernization fund created in section 602.8108, subsection 7,
3 8 during the fiscal year beginning July 1, 2005, and ending June
3 9 30, 2006, and the plans for expenditures from each fund during
3 10 the fiscal year beginning July 1, 2006, and ending June 30,
3 11 2007. A copy of the report shall be provided to the
3 12 legislative services agency.

3 13 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
3 14 from the general fund of the state to the judicial retirement
3 15 fund for the fiscal year beginning July 1, 2006, and ending
3 16 June 30, 2007, the following amount, or so much thereof as is
3 17 necessary, to be used for the purpose designated:

3 18 Notwithstanding section 602.9104, for the state's
3 19 contribution to the judicial retirement fund in the amount of
3 20 9.16 percent of the basic salaries of the judges covered under
3 21 chapter 602, article 9:
3 22

3 23 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
3 24 a clerk of the district court shall not occur unless the state
3 25 court administrator approves the appointment.

3 26 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 27 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 28 required to be provided by the judicial branch for fiscal year
3 29 2006=2007 to the legislative services agency shall be provided
3 30 in an electronic format. The legislative services agency
3 31 shall post the reports on its internet site and shall notify
3 32 by electronic means all the members of the joint
3 33 appropriations subcommittee on the justice system when a
3 34 report is posted. Upon request, copies of the reports may be
3 35 mailed to members of the joint appropriations subcommittee on
4 1 the justice system.

4 2 DIVISION II == STATUTORY CHANGES
4 3 Sec. 5. NEW SECTION. 602.1614 ACCEPTANCE, DISTRIBUTION,
4 4 AND RETENTION OF ELECTRONIC RECORDS BY THE JUDICIAL BRANCH.

4 5 1. As used in this section, "governmental agencies" means
4 6 an executive, legislative, or judicial agency, department,
4 7 board, commission, authority, institution, or instrumentality
4 8 of the federal government or of a state or of a county,
4 9 municipality, or other political subdivision of a state.

4 10 2. Notwithstanding section 554D.120, the supreme court may
4 11 prescribe by rule whether and to what extent the judicial
4 12 branch will accept, process, distribute, and retain electronic
4 13 records and electronic signatures from litigants, governmental
4 14 agencies, and other persons, and to what extent the judicial
4 15 branch will create, generate, communicate, store, process,
4 16 use, and rely upon electronic records and electronic
4 17 signatures.

4 18 3. If the supreme court prescribes rules relating to
4 19 electronic records and electronic signatures under subsection
4 20 2, the rules may include but are not limited to the following:

4 21 a. Defining terms.

4 22 b. The manner and format in which an electronic record is
4 23 created, generated, sent, communicated, received, filed,
4 24 recorded, and stored.

4 25 c. Establishing the information process system to create,
4 26 generate, send, communicate, receive, file, record, and store
4 27 an electronic record.

4 28 d. How a traditional written signature will relate to an

4 29 electronic signature.
4 30 e. The criteria establishing when an electronic document
4 31 must be electronically signed.
4 32 f. The type of electronic signature required.
4 33 g. The manner and format in which an electronic signature
4 34 is associated with an electronic record.
4 35 h. Who can create an electronic signature.
5 1 i. The criteria and procedures to follow when filing an
5 2 electronic document, including who is allowed to file
5 3 electronically, how notice is given, and electronic service of
5 4 process.
5 5 j. Establishing processes and procedures to ensure
5 6 adequate preservation, integrity, security, disposition, and
5 7 audit worthiness of the electronic records.
5 8 k. Establishing the criteria for the retention of paper
5 9 documents when deemed necessary to promote the integrity of
5 10 electronic records.
5 11 l. Establishing the appropriate level of public access to
5 12 differing classes of electronic records and other court
5 13 records to ensure the confidentiality of any records that are
5 14 required by law to be confidential.
5 15 m. Establishing any other process or procedures
5 16 attributable to creating, generating, communicating, storing,
5 17 processing, and using electronic records and electronic
5 18 signatures, and how these electronic records and electronic
5 19 signatures will relate to nonelectronic court records.
5 20 4. Rules prescribed pursuant to this section shall prevail
5 21 over any other laws or court rules that specify the method,
5 22 manner, or format for sending, receiving, retaining, or
5 23 creating paper records relating to the courts. The supreme
5 24 court may limit the applicability and scope of any rules
5 25 prescribed pursuant to this section to single offices, courts,
5 26 judicial election districts, or by specific case types for the
5 27 purpose of testing and implementing an electronic information
5 28 processing system. Temporary rules prescribed pursuant to
5 29 this section for the purpose of testing an electronic
5 30 information processing system are not subject to the
5 31 requirements of section 602.4202.
5 32 5. An electronic record that complies with the rules
5 33 prescribed under this section shall prevail over any law that
5 34 requires a written record, and an electronic signature that
5 35 complies with the rules prescribed under this section shall
6 1 prevail over any law that requires a written signature. An
6 2 electronic record or signature that complies with rules
6 3 prescribed under this section shall not be denied legal effect
6 4 or enforceability based solely because of the record's or
6 5 signature's electronic form. The determination of an
6 6 electronic record's or signature's legal consequence is
6 7 determined by this chapter, applicable law, and court rules.
6 8 Sec. 6. Section 622.29, Code 2005, is repealed.

6 9 EXPLANATION

6 10 This bill makes appropriations for FY 2006=2007 to the
6 11 judicial branch.
6 12 The bill provides that the appointment of a clerk of the
6 13 district court shall not occur unless the state court
6 14 administrator approves such an appointment.
6 15 The bill permits the supreme court to prescribe by rule
6 16 whether and to what extent the judicial branch will accept,
6 17 process, distribute, and retain electronic records and
6 18 electronic signatures. Under the bill the supreme court also
6 19 may prescribe by rule to what extent the judicial branch will
6 20 create, generate, communicate, store, process, use, and rely
6 21 upon electronic records and electronic signatures. Any rule
6 22 prescribed pursuant to the bill prevails over any other laws
6 23 or court rules that specify the method, manner, or format for
6 24 sending, receiving, retaining, or creating paper records. The
6 25 bill specifies the supreme court may limit the applicability
6 26 and scope of any rule relating to electronic records and
6 27 signatures for the purposes of testing and implementing an
6 28 electronic information processing system.
6 29 The bill repeals Code section 622.29 relating to use of a
6 30 signature facsimile.
6 31 LSB 5195HB 81
6 32 jm:mg/sh/8